

Township of Cannon

July 6, 1995

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Secretary of the FCC
Office of the Secretary
Federal Communications Commissions
Washington, DC 20554

FCC

In re: IB Docket No. 95-59; FCC 95-180

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Dear Secretary:

We, the members of the Cannon Township Board, Kent County, Michigan, are writing this comment in response to proposed revisions to the FCC rule preempting local regulation of satellite earth stations (47CFR25.104). We are opposed to the new rule because of the negative impact it would have on the ability of local communities to protect property values and the character of residential and rural areas.

Current FCC regulations provide sufficient protection for satellite dish owners. As you know, zoning or other regulations that differentiate between satellite antennae and other types of antennas are preempted unless the regulations: 1) have a reasonable and clearly defined health, safety, or aesthetic objective, and 2) do not impose unreasonable limitations on or prevent reception or impose costs on users that are excessive in light of purchase and installation costs. Thus, under the current regulatory standards, our Township cannot impose restrictions on satellite antennas (as opposed to other antennas) unless we have a reasonable and clearly defined objective, we do not impose unreasonable limitations on or prevent the reception of satellite signals, and we do not impose costs which are excessive in light of the satellite dish owner's costs of purchase and installation. Any satellite dish owner can challenge the application of our ordinance on the "reasonable objective" standard, the "prevention of reception" rule, or the "excessive cost" standard. There will not, therefore, be an instance in which our Township imposes standards on a satellite dish owner with no specific purpose, prevents or unreasonably restricts the reception of satellite signals, or requires excessive landscaping or screening. Despite this comprehensive regulation of local affairs, the FCC now proposes to preempt even the most reasonable and well balanced local ordinances.

Zoning and other regulation of land uses is essential to the public health, safety and welfare. It is both desirable and necessary for the preservation of land values and the preservation of the character of residential and rural areas. Local regulation of the placement and appearance of satellite dish antennas generally serves two purposes: first, property values are preserved by preventing unsightly and undesirable uses, and second, certain aesthetic qualities of

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residential and rural areas are preserved. This type of regulation benefits not only the property owners in the zoned districts, but, through the preservation of the taxable property values, benefits the entire community.

Under the proposed rule, any local regulation that imposes "substantial costs" on a user is preempted unless it can be shown that the regulation is reasonable in relation to: 1) a clearly defined and expressly stated health, safety, or aesthetic objective, and 2) the federal interest in fair and effective competition among competing communications service providers. The FCC has commented that ordinary permit fees and landscaping requirements for satellite dishes will be preempted. Local regulation which affects satellite dishes less than two meters in diameter in commercial areas, and less than one meter in any area, will be presumed unreasonable.

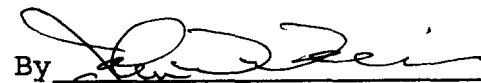
The type of preemption proposed by the rule strikes at the very heart of local control over local affairs. The result of adopting this regulation would be the following: many satellite dishes would be permitted in front yards, in residential neighborhoods, without landscaping. No restrictions would apply on the number of satellite dishes an individual owner could place on his or her property. Visual blight and a decline in property values would be certain to occur, and citizens of local communities would become extremely upset. Yet local officials would be unable to respond to the needs of their communities. Even building codes, which regulate for the protection of public safety, would be preempted.

It is our opinion that the citizens of a local community, acting through their elected representatives, are competent to determine the proper balance between the community's interests in property values and aesthetic considerations and the community's interest in access to satellite signals. Under the current regulations, satellite dish owners have sufficient guarantees to ensure that a municipality does not restrict access to satellite signals.

For the reasons set forth above, we, the members of the Cannon Township Board, ask that the proposed rule not be adopted.

Very truly yours,

CANNON TOWNSHIP BOARD

By 
John W. Weiss, Supervisor